



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ –OAR -2005-0161; FRL -9782-4]

Proposed Information Collection Request; Comment Request; Renewable Fuels Standard (RFS2) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), “Renewable Fuels Standard (RFS2) Program” (EPA ICR No. 2333.03, OMB Control No. 2060 -0640) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a “RENEWAL” of the ICR, which is currently approved through June 31, 2013. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before [insert date 60 days after publication in the Federal Register].

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2005-0161 online using www.regulations.gov, or in person viewing at the Air Docket in the EPA Docket Center in Washington, DC (EPA/DC). The docket is located in the EPA West Building, 1301 Constitution Avenue, NW, Room 3334, and is open from 8:30 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, excluding legal holidays, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal

information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Geanetta Heard, Environmental Protection Specialist, Fuels Compliance Center, 6406J Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: 202-343-9017 fax number: 202-343-2800; email address: heard.geanetta@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be

submitted to OMB for review and approval. At that time, EPA will issue another Federal Register notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA would like to continue to collect annual compliance reports from obligated parties, quarterly reports for all EPA Moderated Transaction System (EMTS) users, generation and assignment of Renewable Identification Numbers (RINs) quarterly reports from biofuels producers and importers and third party disclosure reports from biofuel feedstock producers by way of the Agency's Central Data Exchange (CDX). The recordkeeping and reporting of this regulation will allow EPA to monitor compliance with the RFS program. We inform respondents that they may assert claims of business confidentiality (CBI) for information they submit in accordance with 40 CFR § Part 2.203.

Form Numbers:

RFS0103: RFS2 Q1 2012 Activity Report

RFS0104: RFS2 Activity Report

RFS0201: RFS1 RIN Transaction Report (only if RFS1 RINs were bought, sold, retired, or reinstated)

RFS0600: RFS2 Renewable Fuel Producer Supplemental Report (if applicable)

RFS0701: RFS2 Renewable Fuel Producer Co-products Report

RFS0801: RFS2 Renewable Biomass Report

RFS0901: RFS2 Production Outlook Report

EMTS: RFS2 RIN Transaction Report

EMTS: RFS2 RIN Generation Report (Equivalent to RFS0400)

RFS0301: RFS2 2010 Annual Compliance Report

RFS0302: RFS2 2011 Annual Compliance Report

EMTS: RFS2 RIN Transaction Report

Respondents/affected entities: Producers of Renewable Fuels, Importers, Obligated Parties, Parties who own RINS (including foreign RIN owners)

Respondent's obligation to respond: mandatory Sections 114 and 208 of the Clean Air Act (CAA), 42 U.S.C. §§ 7414 and 7542

Estimated number of respondents: 2,092,731

Frequency of response: Quarterly

Total estimated burden: 6,379,263 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: \$60,459,623 (per year), includes \$ 320 annualized capital or operation & maintenance costs.

Changes in Estimates: EMTS was introduced at the onset of the RFS2 program and was not a feature of RFS1. For the new EMTS system, all parties who owned RINs were required to re-register, disclose feedstock sources, prepare quarterly reports on RIN activity and submit annual compliance reports (obligated party only). Re-submittal provisions utilized in RFS1 are no longer required, resulting in a decrease in total responses for this ICR. The total responses for industry dropped from 4,525,625 to 2,092,731 a difference of 2,432,894 responses. Currently, biofuels producers and importers submit required quarterly reports along with their third party disclosure on feedstock producers to EPA. All users of the EMTS system are required to submit quarterly RIN reports.

The number of respondents or users of the EMTS system has more than doubled from 1,059,326 to 2,092,731 an increase of 1,033,405 users due to the additional response burden for mapping foreign and domestic plantation/forest land owners and foreign biofuel feedstock producers which were not reflected in the previous ICR reporting period. With an increase in the number of respondents, total burden hours have increased by more than 4 million costing the industry \$60,459,623; however, a decrease of \$47,882,366 was realized. The reduction in the total cost for this renewal is due to the fact that the EMTS system is automated and more efficient and helps users to prepare reports

instantly, reducing the amount of time and the cost associated with responding, even with more than a million added users. This notable factor increased the industry burden hours, but will lower the total cost of this information collection request if renewed.

Dated: February 13, 2013.

Byron Bunker, Director,
Transportation and Regional Programs Division.

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